

REMARKS

Pending Claims:

Claims 1-15 are present in the application with claims 3-7 withdrawn due to prior restriction and election. New claims are presented 16-27. These are directed to the same invention.

Double Patenting

Applicant files a terminal disclaimer herewith to overcome the obviousness type double patenting rejection.

102 Anticipation Rejections of Claims 1,2,8,10-13, and 15

The Examiner finds the elements of the claims within Cottenceau '612. The claims have been amended to require that the membrane be permanent as opposed to the dissolving membrane of the applied reference. Cottenceau '612 lacks the non-dissolving or permanent membrane now required by the claim.

103 Obviousness Rejections of Claims 9 and 14

The Examiner regards the use of Nitinol as a matter of obvious choice given the structures and teachings of Cottenceau '612. It appears that the only material choice that Cottenceau regarded as important or critical is the resorbable "network", which gradually disappears in use. Candidate materials for the "framework" are set forth as titanium and stainless steel in combination with the resorbable material Polylactic acid based plastics. Applicants submit that the obvious combination would be the use of stainless or Titanium along with a resorbable mesh in an LAA occlusion device. The use of resorbable material cuts against the intent of Applicant's purpose for the invention. In Applicants view Cottenceau does not render the material choice set forth in claims 9 and 14 obvious.

CONCLUSION

All of the claims remaining in this application should now be seen to be in condition for allowance. The prompt issuance of a notice to that effect is solicited.

Respectfully submitted,
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By its attorneys:

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